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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

PIROUZ SEDAGHATY, et al.,

Defendant

No. CR 05-60008 HO

JOINT REPORT ON
DEFENDANT'S MOTION TO
COMPLETE THE RECORD

On September 30, 2011, defense counsel met with AUSA Charles Gorder to discuss the version of the attached chart that was filed on September 27, 2011. CR 582. AUSA Gorder clarified several pieces of information regarding

the chart. Those clarifications have been noted on the revised chart in blue (attached as Exhibit A). For example, AUSA Gorder clarified that CR 216, which refers to a sealed September 3, 2009, letter provided to the Court by the government, is not classified and relates in part to issues concerning the execution of the search warrant raised during the hearing on the motion to suppress. In addition, AUSA Gorder clarified that three CIPA hearings reflected on the docket (CR 217, 218, and 229) all related to the later filed Fifth Government CIPA filing (CR 236). These clarifications should be noted on the record.

The government believes that, with the clarifications which it has agreed to above, the unclassified record is complete. In certain circumstances, the existence of a hearing or the identity of the participants at any hearing could reveal why the hearing was classified. Any additional information necessary for appellate review will be reflected in the classified transcript of any hearing which did take place.

The defense believes that there are a number of issues that remain unclear and absent from the docket. These issues are noted in red. Exhibit A. Mr. Sedaghaty believes that, in order to exercise full and fair review on appeal, the record needs to reflect when certain reviews took place, whether a transcript was made, and whether any representatives of the government were present. Exhibit A and CR 582. That information currently appears on the

docket for a number of proceedings. We do not believe the information sought can be considered classified. Where the government believes that the name and title of a government representative conveys classified information, the public record could reflect only “government representative.” As we understand the matter, there is no docket of classified proceedings that shows what occurred, when, and with whom. We further understand that there is no official record reflecting what the Court reviewed, whether a transcript was made, and whether any government representatives were present. Nor is there any list of transcripts, or other record, of court proceedings and action if they are not listed on the public docket. As a result, it is impossible for Mr. Sedaghaty to direct the appellate court to any particular set of materials or transcripts for the review it will be obligated to perform.

Respectfully submitted this 4th day of October, 2011.

/s/ Steven T. Wax

Steven T. Wax
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/s/ Lawrence H. Matasar

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